

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 17-407
v.	:	
	:	CIVIL ACTION
DAVID TONEY	:	20-5117
	:	

ORDER

AND NOW, this 14th day of April, 2024, upon consideration of Defendant David Toney's Motion to Vacate, or Set Aside Guilty Plea and Conviction Pursuant to 28 U.S.C. § 2255, and the Government's Response in Opposition, it is hereby **ORDERED** that:

1. The Motion (ECF No. 207) and Amended § 2255 Motion on Corrected Form (ECF No. 209) are **DENIED**.

2. Defendant's *Pro Se* Motion for Expedited Ruling on Motion to Vacate Conviction and Sentence under 28 U.S.C. § 2255 (ECF No. 259) is **DENIED AS MOOT**.

3. A Certificate of Appealability shall not issue because Defendant has failed to make the necessary showing of the denial of a constitutional right and that reasonable jurists would find the Court's assessment of his claims debatable or wrong. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Mitchell S. Goldberg
Mitchell S. Goldberg, J.